

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ACQIS LLC,

Plaintiff,

v.

DELL INC.; HEWLETT-PACKARD CO.;  
INTERNATIONAL BUSINESS MACHINES  
CORP.; and ORACLE AMERICA, INC.,

Defendants

Case No. 6:09-00148-LED

**Jury Trial Demanded**

**PLAINTIFF'S AMENDED TRIAL WITNESS LIST**

Plaintiff ACQIS LLC ("ACQIS") submits its witness list pursuant to the Docket Control Order (D.I. 289) and November 23, 2010 Order (D.I. 408).

**I. Party Witness – ACQIS LLC**

WITNESS/EMPLOYER/TOPIC	DESIGNATION		
	WILL CALL	MAY CALL	PROBABLY WON'T CALL
Bill Chu/ACQIS LLC/Damages, Validity, Willful Infringement and Infringement	X		
Doug DeVivo/ALCE Partners/Damages, Validity, Willful Infringement	X		
Tony Man/Validity		X	

**II. Party Witness – Dell Inc.**

<b>WITNESS/EMPLOYER/TOPIC</b>	<b>DESIGNATION</b>		
	<b>WILL CALL</b>	<b>MAY CALL</b>	<b>PROBABLY WON'T CALL</b>
Tracy Davis/Dell Inc./Infringement, Validity, and Damages		X	
Anthony Peterman/Dell Inc./Validity and Damages			X
Chad Fenner/Dell Inc./Infringement, Validity and Damages		X	
John Nieto/Dell Inc./Validity and Damages			X
Mike Roberts/Dell Inc./Infringement, Validity, and Damages		X	
Thomas Garvens/Dell Inc./ Infringement, Validity, and Damages		X	
Joe Farrell/Dell Inc./ Infringement, Validity, and Damages		X	
James Hamilton/Dell Inc./ Infringement, Validity, and Damages		X	

**III. Party Witness – Hewlett-Packard Co.**

<b>WITNESS/EMPLOYER/TOPIC</b>	<b>DESIGNATION</b>		
	<b>WILL CALL</b>	<b>MAY CALL</b>	<b>PROBABLY WON'T CALL</b>
Alzien Khaldoun/HP/Validity and Damages			X
Andy Bergholz/HP/Validity and Damages			X
BJ Watrous/HP/Validity and Damages			X

WITNESS/EMPLOYER/TOPIC	DESIGNATION		
	WILL CALL	MAY CALL	PROBABLY WON'T CALL
Brian Harrison/HP/Validity and Damages		X	
Don Duffy/HP/Document Preservation			X
Harvey Angel/HP/Validity and Damages		X	
Jeff Autor/HP/Validity and Damages			X
John Butler/HP/Validity and Damages			X
Kirk Bresniker/HP/Validity and Damages		X	
Kurt Manweiler/HP/Validity and Damages		X	
Monty McGraw/HP/Validity and Damages			X
Rolando Rivera/HP/Validity and Damages			X
Steve Gillaspay/HP/Validity and Damages		X	
Wanda Bloomfield/HP/Validity and Damages		X	

**IV. Party Witness – International Business Machines Corp.**

WITNESS/EMPLOYER/TOPIC	DESIGNATION		
	WILL CALL	MAY CALL	PROBABLY WON'T CALL
Alex Yost/IBM/Validity and Damages		X	
Andrew McLaughlin/IBM/Infringement and Damages		X	
Bill Holland/IBM/Infringement, Validity and Damages		X	
Botond Kiss/IBM/Infringement, Validity and Damages		X	

WITNESS/EMPLOYER/TOPIC	DESIGNATION		
	WILL CALL	MAY CALL	PROBABLY WON'T CALL
Christopher West/IBM/Infringement, Validity and Damages		X	
Cynthia Seal/IBM/Validity, Damages and Willful Infringement		X	
David Cosby/IBM/Infringement, Validity and Damages		X	
Dhruv Desai/IBM/Infringement, Validity and Damages		X	
Doug Erickson/IBM/Damages		X	
Ed Suffern/IBM/Infringement, Validity and Damages		X	
Evan Griffith/IBM/Damages	X		
Jan Janick/IBM/Validity, Damages			X
Kenneth Ocheltree/IBM/Validity, Damages		X	
Matthew Belanger/IBM/Infringement, Validity and Damages			X
Maurice Bland/IBM/Infringement, Validity and Damages		X	
Michele Baumgartner/IBM/Damages		X	
Mike Scollard/IBM/Infringement, Validity and Damages		X	
Richard Lang/IBM/Document Preservation			X
Ron Billau/IBM/Infringement, Validity and Damages		X	
Russell Resnick/IBM/Validity and Damages			X

WITNESS/EMPLOYER/TOPIC	DESIGNATION		
	WILL CALL	MAY CALL	PROBABLY WON'T CALL
Steve Hartman/IBM/Infringement, Validity and Damages		X	
Theodore Will/IBM/Infringement, Validity and Damages		X	

**V. Party Witness – Oracle America, Inc.**

WITNESS/EMPLOYER/TOPIC	DESIGNATION		
	WILL CALL	MAY CALL	PROBABLY WON'T CALL
Mark Elgood/Oracle/Infringement, Validity, and Damages		X	
Jorge Lach/Oracle/Infringement, Validity, and Damages		X	
Tom Giles/Oracle/ Infringement, Validity, and Damages		X	
Peter Heffernan/Oracle/ Infringement, Validity, and Damages		X	
Pocheng Shyu/Oracle/Validity and Damages		X	
Tim Mooney/Oracle/Validity and Damages		X	
Yongking Shen/Oracle/Infringement, Validity and Damages		X	
Richard Knudsen/Oracle/Damages		X	
Tim Schulte/Oracle/Validity and Damages		X	
Aaron Brodsky/Oracle/Validity and Damages		X	

WITNESS/EMPLOYER/TOPIC	DESIGNATION		
	WILL CALL	MAY CALL	PROBABLY WON'T CALL
Carl Meert/Oracle/Infringement, Validity, and Damages		X	
Shane Sigler/Oracle/Infringement, Validity, and Damages		X	
Carey Cox/Oracle/Infringement and Damages		X	
Marc Shelley/Oracle/Infringement, Validity, and Damages		X	

**VI. Third Party**

WITNESS/EMPLOYER/TOPIC	DESIGNATION		
	WILL CALL	MAY CALL	PROBABLY WON'T CALL
Henry Kung/Super Micro/Validity and Damages		X	
Robert Aeschliman/Super Micro/Validity and Damages			X
Tau Leng/Super Micro/Validity and Damages		X	
Howard Hindeshema/Super Micro/Validity and Damages			X
Oil States/Validity and Damages		X	
EQUUS/ Validity and Damages		X	
Red River Computer/Infringement, Validity, and Damages		X	
Landmark/Infringement, Validity and Damages		X	
Colorcon/Validity and Damages		X	

WITNESS/EMPLOYER/TOPIC	DESIGNATION		
	WILL CALL	MAY CALL	PROBABLY WON'T CALL
RBS Securities/Infringement, Validity and Damages		X	
ABBA Technologies, Inc./Infringement, Validity, and Damages		X	
Larry Genovesi/Terascala, Inc./Validity		X	
Cheryl Smith/Cheryl Smith & Co./Validity		X	
HESS/Infringement, Validity and Damages		X	
Charles Reeder/Locke Lord Bissell & Liddell/Validity		X	
Computer Science Corporation/Infringement, Validity, and Damages		X	
David Quinto/Quinn Emanuel/Validity, Damages and Willful Infringement		X	
Luke Pedersen/Baker Botts/Validity		X	
Steve Packer/Retired (Intel)/Validity		X	
Alan Pocrass/Xmultiple/Validity		X	
Blue Sky Studios/Infringement, Validity and Damages		X	
Larry Forsley/JWK International/Validity		X	
Roger Gaskell/Kognitio/Validity		X	
Blade.org/Validity and Damages		X	
Paul Groom/Kognitio/Validity		X	
Vince Conroy/Fusion Storm/Validity		X	

WITNESS/EMPLOYER/TOPIC	DESIGNATION		
	WILL CALL	MAY CALL	PROBABLY WON'T CALL
George Lazik/Cal State Northridge/Validity		X	
Walter Otto/General Microsystems/Validity		X	
Ken Hempen/Anigma/Validity		X	
Rafael Graulau/Telefonica of Puerto Rico/Validity		X	
James Akiyama/Intel/Validity		X	
Akram Chowdry/High Tech Venture Capital Fund/Validity		X	
WalMart/Infringement, Validity and Damages		X	
Guy Irving/Arrow Electronics/Validity		X	

## VII. Experts

WITNESS/EMPLOYER/TOPIC	DESIGNATION		
	WILL CALL	MAY CALL	PROBABLY WON'T CALL
Tom Gafford/Gafford Technology/Infringement, Damages and Validity	X		
Emmett Murtha/Fairfield Resources International, Inc./Damages	X		
Christopher Vellturo/Quantitative Economic Solutions, LLC/Damages	X		
Robert McClure/The Chatham Group/Validity and Damages		X	



WITNESS/EMPLOYER/TOPIC	DESIGNATION		
	WILL CALL	MAY CALL	PROBABLY WON'T CALL
Thomas Conte/self-employed/Infringement and Damages		X	
Alan Ratliff/StoneTurn Group, LLP/Damages		X	
Robert Colwell/R & E Colwell & Associates, Inc./Infringement and Damages		X	
Jonathan Putnam/Charles River Associates/Damages		X	
Ray Mercer/M. Ray Mercer & Associates, Inc./Infringement		X	
Carol Ludington/Ludington Ltd./Damages		X	

ACQIS reserves the right to call at trial any of the witnesses listed on ACQIS's or any other party's trial witness list or in ACQIS's or any other party's initial disclosures, as amended and/or supplemented, or any other witness, either in person or by way of a deposition. ACQIS reserves the right to call at trial, as a rebuttal or impeachment witness, any of the witnesses listed on this list, on any other party's trial witness list, in ACQIS's or any other party's initial disclosures, as amended and/or supplemented, or any other witness, either in person or by way of a deposition.

Dated: November 29, 2010

Respectfully submitted,

/s/ Sarah J. Guske

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### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this **PLAINTIFF'S AMENDED TRIAL WITNESS LIST** was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by facsimile and/or U.S. First Class Mail on November 29, 2010.

/s/ Sarah J. Guske

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